

Town of Mount Desert
Board of Selectmen
Special Meeting Minutes
February 13, 2023

Board Members Present: Chair John Macauley, Wendy Littlefield, Rick Mooers, Martha Dudman, Geoff Wood

Town Officials Present: Town Clerk Claire Woolfolk, Town Manager Durlin Lunt, Tax Assessor Kyle Avila, Code Enforcement Officer Kimberly Keene, Public Works Director Brian Henkel, Finance Director Jake Wright

Members of the Public were also in attendance.

I. Call to order at 4:00 p.m.

Chair Macauley called the meeting to order at 4:00PM.

Public please hold comments until the BOS Chairman opens the agenda items for public comment

II. Appointments/Recognitions/Resignations

A. Request appointment of Christopher Baker as full-time FF/EMT-P at an initial base rate of \$26.75 to be increased to \$28.24 upon successful completion of a 6-month probationary period, effective date of February 16, 2023

MOTION: Mr. Mooers moved, with Ms. Dudman seconding, appointment of Christopher Baker as full-time FF/EMT-P at an initial base rate of \$26.75 to be increased to \$28.24 upon successful completion of a 6-month probationary period, effective date of February 16, 2023 as presented.

Motion approved 5-0.

III. Selectmen's Reports

Ms. Dudman requested a revote on the February 6, 2023 Motion making a donation to the Maine Lobstermen's Association Legal Fund. Ms. Dudman disclosed she is a member of the association. She realized after the meeting that as a member she should have abstained from the vote.

MOTION: Mr. Wood moved, with Mr. Mooers seconding, to amend the Minutes of February 6, 2023.

Motion approved 3-0-2 (Dudman and Littlefield in Abstention).

MOTION: Mr. Mooers moved, with Mr. Wood seconding, to authorize a donation of \$1,000.00 to go to the Maine Lobstermen's Association Legal Defense Fund from the Selectboard Contingency Fund.

Motion approved 4-0-1 (Dudman in Abstention).

IV. New Business

A. Proposed Land Use Zoning Ordinance Articles

Mr. Musson presented ten proposed Land Use Zoning Ordinance articles for review:

1 **Article 21. Shall an ordinance dated May 2, 2023 and entitled “Amendments to the**
2 **Land Use Zoning Ordinance to amend the deadline for establishment of use” be enacted as**
3 **set forth below?**

4 This amendment will extend the deadline for the establishment of use from 12 months to 24
5 months. There were no questions.

6
7 **Article 15. Shall an ordinance dated May 2, 2023 and entitled “Amendments to the**
8 **Land Use Zoning Ordinance Regarding Lots within the Village Commercial District in the**
9 **Village of Northeast Harbor” be enacted as set forth below?**

10 This amendment clarifies the intent of a provision in the ordinance that applies only to the
11 Village Commercial District in the Village of Northeast Harbor. There were no questions.

12
13 **Article 16. Shall an ordinance dated May 2, 2023, entitled “Amendments to the Land**
14 **Use Zoning Ordinance to change the Land Use District designation of Tax Map 003: Lot**
15 **026 and Map 003: Lot 027” be enacted as set forth below?**

16 This is in response to property owners requesting a zone change from Shoreland Residential Two
17 to Residential Two. Both lots are outside the 250’ shoreland setback. There were no questions.

18
19 **Article 17. Shall an ordinance dated May 2, 2023 and entitled “Amendments to the**
20 **Land Use Zoning Ordinance to clarify the dimensional requirements for one-Family and**
21 **two-family dwellings” be enacted as set forth below?**

22 This amendment clarifies that currently in the ordinance there are provisions for one-family and
23 two-family structures. In the case of two-family structures, dimension standards apply to the
24 structure as a whole and not to each of the residential units within. There were no questions.

25
26 **Article 18. Shall an ordinance dated May 2, 2023 and entitled “Amendments to the**
27 **Land Use Zoning Ordinance to add Residential Storage Building/Shed as permitted uses in**
28 **Section 3.4” be enacted as set forth below?**

29 Currently a residential storage building/shed cannot be built on a lot without a residential
30 structure also being on that lot. This amendment will allow such a structure without a house in
31 place.

32
33 Resident Tracy Aberman asked how monitoring accessory structures will occur to ensure they
34 are not being used as makeshift housing. Mr. Musson explained the code violation process
35 originates with complaints made to the Code Enforcement Officer (CEO). The CEO investigates
36 the complaint and if a violation is found, the CEO acts on it. The amendment follows a directive
37 the LUZO Advisory Committee was given to make the ordinance clearer and more usable.

38
39 There were no other questions.

40
41 **Article 19. Shall an ordinance dated May 2, 2023 and entitled “Amendments to the**
42 **Land Use Zoning Ordinance to remove the air landing sites” be enacted as set forth below?**

43 Air Landing Sites are not currently included in the Allowed Uses section of the Ordinance. A
44 provision in Section 6 of the Land Use Ordinance references air landing sites. This amendment
45 deletes the reference. The number will remain in case a future provision is added, while
46 avoiding having to renumber the whole list.

47
48 There are no areas in Town that allow a plane to land, unless such an area is a grandfathered use.
49 The LifeFlight organization is a different circumstance.

1
2 Water landing aircraft would likely not apply to the Land Use part of the ordinance. This
3 amendment applies to a resident wanting to build an air landing strip on their property.
4

5 Resident Donna Reis asked if helicopter pads fell under this article. Mr. Musson believed they
6 would be a separate issue but agreed to check into it. Helicopter landings in the event of an
7 emergency like a LifeFlight situation are allowed. If the Town decides they want to allow
8 helicopter landing pads for personal use, Mr. Musson recommended creating standards for the
9 ordinance. If a request for a private helicopter landing pad came in now, the Town would likely
10 respond that there is no provision for such a thing at this time. There were no further questions.
11

12 **Article 20. Shall an ordinance dated May 2, 2023 and entitled “Amendments to the**
13 **Land Use Zoning Ordinance regarding the definition of Marina and Expansion of Use” be**
14 **enacted as set forth below?**

15 This clarifies that adding moorings is not considered an expansion of use. Additionally, mooring
16 use is the jurisdiction of and administered by the Harbormaster. There were no questions.
17

18 **Article 22. Shall an ordinance dated May 2, 2023 and entitled “Amendments to the**
19 **Land Use Zoning Ordinance to correct the date for when a lot was be created for purposes**
20 **of applying the access provisions in 6B.11(2)” to be enacted as set forth below?**

21 This is a housekeeping amendment, changing an incorrect date in the ordinance. There were no
22 questions.
23

24 **Article 23. Shall an ordinance dated May 2, 2023 and entitled “Amendments to the**
25 **Land Use Zoning Ordinance to clarify where the setback is measured from a road or right-**
26 **of-way” be enacted as set forth below?**

27 This clarifies where road setbacks are measured from. There were no questions.
28

29 **Article 24. Shall an ordinance dated May 2, 2023 and entitled “Amendments to the**
30 **Land Use Zoning Ordinance regarding the footprint limitation for principal and accessory**
31 **structures in the shoreland zone” be enacted as set forth below?**

32 Mr. Musson reported that State law recently changed explaining how height is measured in a
33 shoreland zone area and a floodplain. This allows for more flexibility. These two areas can
34 conflict regarding height restrictions. CEO Keene noted the Dodge Point Road Town building
35 that was required to have a flat roof is a good example of height restrictions. There were no
36 questions.
37

38 The Planning Board Public Hearing for this proposed amendment will occur on February 22.
39 The Planning Board has reviewed the other amendments and recommended them all for passage.
40

41 There is an upcoming Warrant Committee meeting on February 28.
42

43 *B. Short-Term Rental Ordinance (Draft Discussion; Public Hearing scheduled for*
44 *2/21/2023 at 5pm)*

45 Mr. Musson presented a draft of the Short-Term Rental Ordinance. The draft ordinance has been
46 discussed with the LUZO Advisory Committee and with the Town attorney. The draft takes into
47 account feedback received. Sections regarding validity and severability need final review and
48 clarification. Mr. Musson is awaiting further editing from the attorney on these sections.
49

1 A Public Hearing on the ordinance will be held on February 21. The intention is to create a
2 system for issuing licenses to property owners wanting to engage in short-term rentals, and also
3 to track and determine what parts of town already have short-term rental occurring. The
4 ordinance includes required safety standards such as smoke detectors.

5
6 The committee has not discussed administration of the ordinance. Currently the draft states the
7 Town or Selectboard will administer. Administration includes receiving and processing
8 applications and collecting fees. Additionally, consideration of complaints and penalties must be
9 discussed.

10
11 Resident Lincoln Millstein reported that the attorneys advising the Town also represent Ocean
12 Properties in Bar Harbor. Ocean Properties has 74 registrations for short-term rentals in Bar
13 Harbor.

14
15 The ordinance's Purpose notes "*there are legitimate concerns about the increase in number of*
16 *short-term rentals and the undue impacts they can have on the quality of life and quiet enjoyment*
17 *of properties within the vicinity of short-term rentals.*" Mr. Millstein recalled that concerns were
18 also raised about the impact of short-term rentals on the housing stock in Town and on year-
19 round homes. The ordinance does not appear to include those concerns.

20
21 Mr. Wood echoed Mr. Millstein's comments. He believed people in Mount Desert were more
22 concerned with available properties disappearing from ownership of Town residents. Homes
23 disappearing from the ownership of people who intend to live in them or rent them year-round is
24 a big issue that the ordinance does not address.

25
26 Mr. Millstein pointed out the ordinance lacks details on the registration process, charging for the
27 licensing, administrative costs to the Town, and impact on Town staffing.

28
29 Mr. Musson felt this meeting is an opportunity to discuss issues like ordinance administration.
30 Research has been done on how others administer similar ordinances. Fee structure is often not
31 included in the ordinance; this allows the Selectboard the ability to create or amend a fee
32 structure without having to change the ordinance each time. The next Public Hearing is another
33 opportunity to discuss the ordinance in depth. It's up to the Board to decide whether this is an
34 ordinance they feel comfortable moving forward on.

35
36 Mr. Musson pointed out that there are many reasons why the Town is suffering from a lack of
37 year-round residents. Short-term rental is not the single issue causing the problem. There are
38 many pieces that need to be thought through to help solve it.

39
40 Mr. Wood believed the wording regarding owner-occupied properties was confusing regarding
41 whether or not they are exempt. He suggested adding to the short-term rental definition the
42 words "Excluding owner occupied" to ensure the intent is clear. Mr. Musson said "hosted home
43 stays" are excluded in the definitions, but it can be revised. A homeowner that rents their home
44 two weeks out of the year is excluded. Additionally, allowing visitors to stay rent-free would
45 also be exempt. Hosted home stays imply the property owner is living in a residence but has a
46 garage apartment or similar on the property.

47
48 Ms. Aberman stated that people living in Northeast Harbor and renting their house during the
49 summer is a tradition, though it would not be considered a hosted home stay. If quality of life is

1 a goal, then the Town should consider a parking ordinance and a noise ordinance. A noise
2 ordinance would address the quality-of-life concerns included in this ordinance. Ms. Aberman
3 believed the Short-Term Rental Ordinance encroaches on the privacy of how residents use their
4 residences and their financial state. It penalizes people who are trying to afford to keep their
5 house on the island. Additionally, no fee system has been set up, and there's no strategy for who
6 will administer the policy. Someone could simply visit the Airbnb and VRBO websites and
7 count the number of listings in Mount Desert.

8
9 Ms. Aberman inquired about Mr. Musson role in the creation of many Mount Desert policy
10 changes. Mr. Musson explained that he is a contracted consultant hired by the Town to create
11 ordinances on behalf of the Town. Mr. Musson is a consultant to the LUZO Advisory
12 Committee but not a committee member.

13
14 Mr. Musson confirmed occupancy limits noted in the ordinance were standard. Ms. Dudman felt
15 Sections 7B and C were not clear on how complaints of noise, parking, or garbage will be
16 handled, and the question of suspension. Mr. Musson agreed these were sections requiring
17 further work.

18
19 Chair Macauley felt it would be useful to offer perspective by including historical numbers
20 regarding year-round rental versus seasonal, and how the numbers have changed over the years
21 throughout the Town, and then set a target percentage the Town would like to aim for.

22
23 Mr. Musson suggested the Comprehensive Plan might be a good place to include estimates of
24 how many houses are needed, and what barriers are preventing housing from being built and
25 where housing could be built.

26
27 Mr. Wood agreed these were important discussions to have, but different than that of protecting
28 existing homes from disappearing from resident ownership. He noted an earlier comment made
29 that a resident living in their home and also renting it out being a tradition of sorts in Mount
30 Desert. How will the Town address this tradition? It is different than a person who buys a home
31 to run as a rental business. How can the Town create a dis-incentive to prevent homes from
32 vanishing from the market? Many places have set a minimum time limit for stand-alone short-
33 term rental stays at seven nights. Ms. Aberman pointed out that many renters can't afford a stay
34 that long.

35
36 Ms. Dudman agreed that this is a serious island-wide problem. She asked Mr. Musson for his
37 thoughts on other ways to curtail the problem. Mr. Musson suggested considering asserting
38 where areas of density will exist and investing as a community in infrastructure placement.

39
40 Chair Macauley recalled an earlier iteration where year-round residents that rent their homes out
41 for a month or two in the summer were exempt. Without that kind of exemption, the ordinance
42 may be a non-starter. Perhaps a possible solution is to decide on a number of rentable
43 residences, and, like mooring availability, a residence may go on a waiting list if the number of
44 rentable residences is at a maximum.

45
46 Mr. Mooers suggested requiring renters to be a resident. Ms. Aberman pointed out that many
47 summer residents are not year-round residents of Mount Desert and many rent their houses to
48 cover the cost of staff and taxes. This could result in alienating many property owners.

1 Mr. Millstein stated there were 197 Airbnb units in Mount Desert. Mount Desert had the
2 smallest number of units of the four towns on the island. In 2014 there were zero units in Mount
3 Desert. What is unknown is how many of those 197 units being rented are owned by out of state
4 investors who bought a house sight unseen to rent. This is a different problem than residents
5 renting their property. In the past five years, the situation has exploded.

6
7 Ms. Aberman suggested classifying anyone owning more than one piece of property in Town as
8 an investor.

9
10 Ms. Reis asked whether there was a formal definition of “hosting”. The ordinance includes a
11 definition of “hosted home stay”. Ms. Reis suggested adding a definition for hosting, including a
12 length of time residing in the home and a classification of whether someone needs to be a full-
13 time resident, or how long they must reside stay in the residence.

14
15 Mr. Musson noted that if the ordinance is deemed not ready for Town Meeting, then more work
16 will be done. After the public hearing the Selectboard will be able to revisit the issue.

17
18 Mr. Millstein suggested adding someone like a teacher or EMT to the LUZO Advisory
19 Committee. It would provide more diversity regarding people and various housing needs. Chair
20 Macauley agreed; the difficulty is convincing people to join.

21
22 Mr. Musson noted the Comprehensive Plan Committee is an important group for diversity as
23 well. Manager Lunt noted the Comprehensive Plan Committee has been advertised on the
24 website. Appointing members will occur once more residents apply, to ensure coverage and
25 representation across the various villages.

26
27 *C. Alewife Ordinance*

28 **Article 4. Shall an ordinance dated May 2, 2023 and entitled “Town of Mount Desert**
29 **Alewife Ordinance” be enacted?**

30 Clerk Woolfolk explained that the Alewife Ordinance is the same every year, but being an
31 ordinance, she added it to the list.

32
33 MOTION: Ms. Dudman moved, with Mr. Wood seconding, to recommend for passage Article
34 4, Shall an ordinance dated May 2, 2023 and titled “*Town of Mount Desert Alewife Ordinance*”
35 *be enacted?* as presented.

36 Motion approved 5-0.

37
38 *D. Proposed Harbor Ordinance Article*

39 **Article 5. Shall an ordinance dated May 2, 2023 and entitled “Amendments to the**
40 **Town of Mount Desert Harbor Ordinance” be enacted?**

41 The proposed Harbor Ordinance from the Harbor Committee was submitted to Clerk Woolfolk
42 by Harbormaster John Lemoine.

43
44 Mr. Mooers noted that the statute stated a resident is defined as dwelling within the Town of
45 Mount Desert for more than 180 days. Maine Revised Statutes have upped that amount to 183
46 days. The Town is able to make an ordinance more restrictive than State statutes, but not less
47 restrictive. He suggested the amount be changed to reflect the State statute.

48

1 Mr. Mooers asked about mooring registration and permits. He believed “all other tidal waters”
2 would include both shores of Somes Sound, around the point, and near Bartlett’s Landing.
3 Would fees be associated with the permit and registration for the Harbormaster, and if so, when a
4 person registers their mooring what services will they receive and what can they count on from
5 the Harbormaster’s office? Harbor Committee member Donna Reis stated there are fees.
6 Services provided are different in different areas. Bartlett’s Landing has less services than
7 Northeast Harbor, for example. She was not sure whether this meant the fees were different,
8 depending on where one registers. Ms. Reis agreed to ask the Harbor Committee about the fees
9 charged.

10
11 Article 5 was tabled until the change in the definition of resident could be updated.

12
13 *E. Sunset Clause Removal:*

14 Clerk Woolfolk explained that the Sunset Clause was removed at last year’s Warrant. She is
15 now reviewing Town ordinances, identifying the ones with a sunset clause still included. The
16 ordinances listed are ones that still include a sunset clause. She suggested removing the clause
17 so the ordinance does not expire. None of the ordinances are otherwise changing. It will not
18 change the Town’s ability to amend or alter any ordinance at a later date as deemed necessary.

19
20 *a. Building and Street Numbering Ordinance*

21 **Article 6. Shall an ordinance dated May 2, 2023 and entitled “Ordinance Regulating**
22 **the Building and Street Numbering in the Town of Mount Desert” be enacted?**

23 MOTION: Mr. Wood moved, with Mr. Mooers seconding, to recommend for passage Article 6,
24 titled “*Ordinance Regulating the Building and Street Numbering in the Town of Mount Desert*”
25 as presented.

26 Motion approved 5-0.

27
28 *b. Dog Ordinance*

29 **Article 7. Shall an ordinance dated May 2, 2023 and entitled “Amendments to the**
30 **Town of Mount Desert Dog Ordinance” be enacted?**

31 MOTION: Ms. Dudman moved, with Mr. Wood seconding, to recommend for passage Article
32 7, titled “*Amendments to the Town of Mount Desert Dog Ordinance*” as presented.

33 Motion approved 5-0.

34
35 *c. Harbor Ordinance*

36 **Article 8. Shall an ordinance dated May 2, 2023 and entitled “Amendments to the**
37 **Town of Mount Desert Harbor Ordinance” be enacted?**

38 Clerk Woolfolk confirmed this affects only the Sunset Clause.

39
40 MOTION: Mr. Wood moved, with Mr. Mooers seconding, to recommend for passage Article 8,
41 titled “*Amendments to the Town of Mount Desert Harbor Ordinance*” as presented.

42 Motion approved 5-0.

43
44 *d. Limiting Motor Vehicle Access to Great Ponds Ordinance*

45 **Article 9. Shall an ordinance dated May 2, 2023 and entitled “Town of Mount Desert**
46 **Ordinance Limiting Motor Vehicle Access to Great Ponds” be enacted?**

47 MOTION: Mr. Mooers moved, with Ms. Dudman seconding, to recommend for passage Article
48 9, titled “*Town of Mount Desert Ordinance Limiting Motor Vehicle Access to Great Ponds*” as
49 presented.

50 Motion approved 5-0.

1 e. *No Swimming Ordinance*

2 **Article 10. Shall an ordinance dated May 2, 2023 and entitled “Town of Mount Desert**
3 **No Swimming Ordinance” be enacted?**

4 MOTION: Mr. Mooers moved, with Mr. Wood seconding, to recommend for passage Article
5 10, titled “*Town of Mount Desert No Swimming Ordinance*” as presented.

6 Motion approved 5-0.

7
8 f. *Public Road Acceptance*

9 **Article 11. Shall an ordinance dated May 2, 2023 and entitled “Amendments to the**
10 **Town of Mount Desert Public Road Acceptance Ordinance” be enacted?**

11 MOTION: Ms. Dudman moved, with Mr. Mooers seconding, to recommend for passage Article
12 11, titled “*Amendments to the Town of Mount Desert Public Road Acceptance Ordinance*” as
13 presented.

14 Motion approved 5-0.

15
16 g. *Rural Wastewater Treatment Support Program Ordinance*

17 **Article 12. Shall an ordinance dated May 2, 2023 and entitled “Rural Wastewater**
18 **Treatment Support Program Ordinance of the Town of Mount Desert” be enacted?**

19 MOTION: Mr. Mooers moved, with Ms. Dudman seconding, to recommend for passage Article
20 12, titled “*Rural Wastewater Treatment Support Program Ordinance of the Town of Mount*
21 *Desert*” as presented.

22 Motion approved 5-0.

23
24 h. *Solid Waste Ordinance*

25 **Article 13. Shall an ordinance dated May 2, 2023 and entitled “Solid Waste Ordinance**
26 **of the Town of Mount Desert” be enacted?**

27 MOTION: Ms. Dudman moved, with Mr. Mooers seconding, to recommend for passage Article
28 13, titled “*Solid Waste Ordinance of the Town of Mount Desert*” as presented.

29 Motion approved 5-0.

30
31 i. *Use of Public Places Ordinance*

32 **Article 14. Shall an ordinance dated May 2, 2023 and entitled “Town of Mount Desert**
33 **Use of Public Places Ordinance” be enacted?**

34 MOTION: Mr. Mooers moved, with Ms. Dudman seconding, to recommend for passage Article
35 14 titled “*Town of Mount Desert Use of Public Places Ordinance*” as presented.

36 Motion approved 5-0.

37
38 F. *DRAFT Annual Town Meeting Warrant review and votes*

39 **Article 26. To see if the Inhabitants of the Town of Mount Desert will vote to authorize**
40 **the Board of Selectmen to accept Conditional Gifts (MRSA 30-A, §5654), Unconditional**
41 **Gifts (MRSA 30-A §5655), equipment, proceeds from sale of fire equipment or funds on**
42 **behalf of the Municipal Fire Department. It is understood that any funds received will be**
43 **placed in the Fire Equipment Reserve Fund.**

44 MOTION: Ms. Dudman moved, with Mr. Wood seconding, to recommend for passage Article
45 26 titled “*To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Board*
46 *of Selectmen to accept Conditional Gifts (MRSA 30-A, §5654), Unconditional Gifts (MRSA 30-A*
47 *§5655), equipment, proceeds from sale of fire equipment or funds on behalf of the Municipal*
48 *Fire Department. It is understood that any funds received will be placed in the Fire Equipment*
49 *Reserve Fund*” as presented.

1 Motion approved 5-0.

2
3 **Article 27. To see if the Inhabitants of the Town of Mount Desert will vote to authorize**
4 **the Board of Selectmen to lease a portion of the so-called Visitor Center at the Northeast**
5 **Harbor Marina to the Ticket Booth operators for a term of one (1) year beginning July 1,**
6 **2023 under such terms and conditions as the Board of Selectmen, in its sole discretion,**
7 **deems to be in the best interests of the Town.**

8 MOTION: Mr. Mooers moved, with Ms. Dudman seconding to recommend for passage Article
9 27 titled “*To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Board*
10 *of Selectmen to lease a portion of the so-called Visitor Center at the Northeast Harbor Marina to*
11 *the Ticket Booth operators for a term of one (1) year beginning July 1, 2023 under such terms*
12 *and conditions as the Board of Selectmen, in its sole discretion, deems to be in the best interests*
13 *of the Town*” as presented.

14 Motion approved 5-0.

15
16 **Article 28. To see if the Inhabitants of the Town of Mount Desert will vote to authorize**
17 **the Board of Selectmen, to lease a portion of the so-called Visitor Center at the Northeast**
18 **Harbor Marina to the Mount Desert Chamber of Commerce for a term of one (1) year**
19 **beginning July 1, 2023 under such terms and conditions as the Board of Selectmen, in its**
20 **sole discretion, deems to be in the best interests of the Town.**

21 MOTION: Mr. Mooers moved, with Ms. Dudman seconding, to recommend for passage Article
22 28 titled “*To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Board*
23 *of Selectmen, to lease a portion of the so-called Visitor Center at the Northeast Harbor Marina*
24 *to the Mount Desert Chamber of Commerce for a term of one (1) year beginning July 1, 2023*
25 *under such terms and conditions as the Board of Selectmen, in its sole discretion, deems to be in*
26 *the best interests of the Town*” as presented.

27 Motion approved 5-0.

28
29 **Article 30. To see if the Inhabitants of the Town of Mount Desert will authorize the**
30 **Board of Selectmen to enter in to a ten-year (10) lease with the Town of Cranberry Isles,**
31 **for 123 parking spaces in the Town Office Municipal parking lot, under terms and**
32 **conditions the Board deems advisable. A copy of the lease document shall be on file at the**
33 **Town office and available for public inspection no less than seven (7) days prior to the**
34 **Town Meeting and that copy shall be certified as accurate by the Town Clerk.**

35 MOTION: Ms. Dudman moved, with Mr. Mooers seconding, to recommend for passage Article
36 30 titled “*To see if the Inhabitants of the Town of Mount Desert will authorize the Board of*
37 *Selectmen to enter in to a ten-year (10) lease with the Town of Cranberry Isles, for 123 parking*
38 *spaces in the Town Office Municipal parking lot, under terms and conditions the Board deems*
39 *advisable. A copy of the lease document shall be on file at the Town office and available for*
40 *public inspection no less than seven (7) days prior to the Town Meeting and that copy shall be*
41 *certified as accurate by the Town Clerk*” as presented.

42 Motion approved 5-0.

43
44 **Article 37. To see if the Inhabitants of the Town of Mount Desert will vote to authorize**
45 **the Selectboard to accept and expend on behalf of the Town additional state, federal and**
46 **other funds (including gifts and grants, as well as funds received under the American**
47 **Rescue Plan Act and similar legislation) received during the fiscal year 2023-2024 for Town**
48 **purposes, provided that such additional funds do not require expenditure of local funds not**
49 **previously appropriated.**

1 MOTION: Ms. Dudman moved, with Mr. Mooers seconding, to recommend for passage Article
2 37 titled *“To see if the Inhabitants of the Town of Mount Desert will vote to authorize the*
3 *Selectboard to accept and expend on behalf of the Town additional state, federal and other funds*
4 *(including gifts and grants, as well as funds received under the American Rescue Plan Act and*
5 *similar legislation) received during the fiscal year 2023-2024 for Town purposes, provided that*
6 *such additional funds do not require expenditure of local funds not previously appropriated”* as
7 presented.
8 Motion approved 5-0.

9
10 **Article 38. To see if the Inhabitants of the Town of Mount Desert will vote to approve**
11 **July 1, each year, as the date on which all taxes shall be due and payable providing that all**
12 **unpaid taxes on September 1, of each year, shall be charged interest at an annual rate of**
13 **8% (percent) per year. (Tax Club members are exempt within the terms and conditions of**
14 **the Town’s Tax Club Agreement.)**

15 MOTION: Mr. Mooers moved, with Ms. Dudman seconding, to recommend for passage Article
16 38 titled *“To see if the Inhabitants of the Town of Mount Desert will vote to approve July 1, each*
17 *year, as the date on which all taxes shall be due and payable providing that all unpaid taxes on*
18 *September 1, of each year, shall be charged interest at an annual rate of 8% (percent) per year.*
19 *(Tax Club members are exempt within the terms and conditions of the Town’s Tax Club*
20 *Agreement.)”* as presented.
21 Motion approved 5-0.

22
23 **Article 39. To see if the Inhabitants of the Town of Mount Desert will vote to authorize**
24 **the Tax Collector to enter into a standard “tax club” agreement with taxpayers whereby:**
25 **(1) the taxpayer agrees to pay specified monthly payments to the Town based on the**
26 **taxpayer’s estimated and actual tax obligation for current year property taxes (real estate**
27 **and/or personal); (2) the Town agrees to waive interest on timely payments; (3) the Town**
28 **authorizes the Tax Collector to accept payment of taxes prior to commitment of taxes; (4)**
29 **the agreement automatically terminates if two consecutive payments are missed and the**
30 **taxpayer thereupon becomes subject to the same due date and interest rate as other,**
31 **nonparticipating taxpayers; (5) only taxpayers who are paid in full on their property tax**
32 **obligations may participate; and (6) interested taxpayers shall apply annually for**
33 **participation by the date shown on the application, date and application format to be**
34 **determined by the Tax Collector.**

35 MOTION: Ms. Dudman moved, with Mr. Wood seconding, to recommend for passage Article
36 39 titled *“To see if the Inhabitants of the Town of Mount Desert will vote to authorize the Tax*
37 *Collector to enter into a standard “tax club” agreement with taxpayers whereby: (1) the*
38 *taxpayer agrees to pay specified monthly payments to the Town based on the taxpayer’s*
39 *estimated and actual tax obligation for current year property taxes (real estate and/or personal);*
40 *(2) the Town agrees to waive interest on timely payments; (3) the Town authorizes the Tax*
41 *Collector to accept payment of taxes prior to commitment of taxes; (4) the agreement*
42 *automatically terminates if two consecutive payments are missed and the taxpayer thereupon*
43 *becomes subject to the same due date and interest rate as other, nonparticipating taxpayers; (5)*
44 *only taxpayers who are paid in full on their property tax obligations may participate; and (6)*
45 *interested taxpayers shall apply annually for participation by the date shown on the application,*
46 *date and application format to be determined by the Tax Collector”* as presented.
47 Motion approved 5-0.

1 **Article 40. To see if the Town will vote to authorize the Tax Collector to accept pre-**
2 **payment of property taxes not yet committed, not to exceed the estimated amount to be**
3 **committed in the subsequent year, with no interest to be paid on same.**

4 MOTION: Mr. Mooers moved, with Ms. Dudman seconding, to recommend for passage Article
5 40 titled "*To see if the Town will vote to authorize the Tax Collector to accept pre-payment of*
6 *property taxes not yet committed, not to exceed the estimated amount to be committed in the*
7 *subsequent year, with no interest to be paid on same*" as presented.

8 Motion approved 5-0.
9

10 **Article 41. To see if the Inhabitants of the Town of Mount Desert will vote to set the**
11 **interest rate to be paid by the Town for abated taxes that have been paid at the rate of 4%**
12 **(percent) per year.**

13 MOTION: Mr. Mooers moved, with Ms. Dudman seconding, to recommend for passage Article
14 41 titled "*To see if the Inhabitants of the Town of Mount Desert will vote to set the interest rate*
15 *to be paid by the Town for abated taxes that have been paid at the rate of 4% (percent) per*
16 *year*" as presented.

17 Motion approved 4-0.
18

19 **Article 42. To see if the inhabitants of the Town of Mount Desert will vote to authorize**
20 **expenditures to pay any tax abatements granted by the Assessor, Board of Assessment**
21 **Review, or Selectboard together with any interest due thereon from the Town, during the**
22 **fiscal year beginning July 1, 2023, in an aggregate amount not to exceed the property tax**
23 **commitment overlay.**

24 MOTION: Mr. Mooers moved, with Ms. Dudman seconding, to recommend for passage Article
25 42 titled "*To see if the inhabitants of the Town of Mount Desert will vote to authorize*
26 *expenditures to pay any tax abatements granted by the Assessor, Board of Assessment Review, or*
27 *Selectboard together with any interest due thereon from the Town, during the fiscal year*
28 *beginning July 1, 2023, in an aggregate amount not to exceed the property tax commitment*
29 *overlay*" as presented.

30 Motion approved 5-0.
31

32 **Article 43. To see if the Inhabitants of the Town of Mount Desert will vote to authorize**
33 **the Selectboard to dispose by public bid of Town-owned property, other than real**
34 **property, with a value of thirty thousand dollars (\$30,000.00) or less under such terms and**
35 **conditions as it deems advisable.**

36 Finance Director Jake Wright noted that since 1998, the value has been set at \$10,000.00. The
37 figure of \$30,000.00 is based on 26 years at less than 4.5%. This figure addresses past
38 inflationary concerns as well as providing a usable number.

39
40 MOTION: Mr. Mooers moved, with Ms. Dudman seconding, to recommend for passage Article
41 43 titled "*To see if the Inhabitants of the Town of Mount Desert will vote to authorize the*
42 *Selectboard to dispose by public bid of Town-owned property, other than real property, with a*
43 *value of thirty thousand dollars (\$30,000.00) or less under such terms and conditions as it deems*
44 *advisable*" as presented.

45 Motion approved 5-0.
46

47 **Article 44. To see if the Inhabitants of the Town of Mount Desert will vote to authorize**
48 **the Selectboard to sell at public auction or by advertised sealed bid, and to convey titles**
49 **obtained under tax deeds and under deeds of conveyance to the Inhabitants of the Town**

1 **any land and/or buildings, including trailers, in lieu of payment of taxes except that the**
2 **Selectmen have the power to authorize redemption. Municipal Officers shall use the**
3 **special sale process required by 36 M.R.S. § 943-C for qualifying homestead property if**
4 **they choose to sell it to anyone other than the former owner(s).**

5 MOTION: Ms. Dudman moved, with Mr. Mooers seconding, to recommend for passage Article
6 44 titled *“To see if the Inhabitants of the Town of Mount Desert will vote to authorize the*
7 *Selectboard to sell at public auction or by advertised sealed bid, and to convey titles obtained*
8 *under tax deeds and under deeds of conveyance to the Inhabitants of the Town any land and/or*
9 *buildings, including trailers, in lieu of payment of taxes except that the Selectmen have the power*
10 *to authorize redemption. Municipal Officers shall use the special sale process required by 36*
11 *M.R.S. § 943-C for qualifying homestead property if they choose to sell it to anyone other than*
12 *the former owner(s)”* as presented.

13 Motion approved 5-0.

14
15 **Article 45. To see if the Inhabitants of the Town of Mount Desert will vote to authorize**
16 **the Selectboard to contract for services, in amounts not to exceed appropriation for same,**
17 **under such terms and conditions as it deems advisable.**

18 MOTION: Mr. Mooers moved, with Ms. Dudman seconding, to recommend for passage Article
19 45 titled *“To see if the Inhabitants of the Town of Mount Desert will vote to authorize the*
20 *Selectboard to contract for services, in amounts not to exceed appropriation for same, under*
21 *such terms and conditions as it deems advisable”* as presented.

22 Motion approved 5-0.

23
24 **Article 47. To see if the Inhabitants of the Town of Mount Desert will vote to transfer**
25 **Six hundred thousand dollars (\$600,000. 00) from the Undesignated Fund Balance Account**
26 **#100-38300 to reduce the 2023 – 2024 tax commitment.**

27 Manager Lunt reported that the figure of \$600,000.00 is a requested increase, up from
28 \$500,000.00.

29
30 MOTION: Ms. Dudman moved, with Mr. Mooers seconding, to recommend for passage Article
31 47 titled *“To see if the Inhabitants of the Town of Mount Desert will vote to transfer Six hundred*
32 *thousand dollars (\$600,000. 00) from the Undesignated Fund Balance Account #100-38300 to*
33 *reduce the 2023 – 2024 tax commitment”* as presented.

34 Motion approved 5-0.

35
36 **Article 48. To see what sum the Inhabitants of the Town of Mount Desert will vote to**
37 **raise and/or appropriate as Revenue through Excise Taxes, Service Fees and miscellaneous**
38 **sources for the 2023 – 2024 Town Budget.**

39 Manager Lunt noted this is the figure on the revenue sheet given to the Board, minus the
40 \$600,000.00 referred to in Article 47.

41
42 MOTION: Mr. Mooers moved, with Ms. Dudman seconding to recommend for passage Article
43 48 titled *“To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and/or*
44 *appropriate as Revenue through Excise Taxes, Service Fees and miscellaneous sources for the*
45 *2023 – 2024 Town Budget”* as presented.

46 Motion approved 5-0.

47
48 **Article 52. To see if the Inhabitants of the Town of Mount Desert will vote to ratify the**
49 **overdraft that occurred in Debt Service for the year ended June 30, 2022, in the amount of**

1 **\$2,381.09. The overdraft was charged to the Undesignated Fund Balance. Said overdraft**
2 **was caused by actual interest on certain debt service payments exceeding budgeted**
3 **expectations. Total appropriations for the fiscal year ended June 30, 2022 for department**
4 **801 “Debt Service” were \$1,863,050 and total expenditures recognized in said fiscal year**
5 **amount to \$1,865,431.09.**

6 MOTION: Mr. Mooers moved, with Mr. Wood seconding, to recommend for passage Article 52
7 titled *“To see if the Inhabitants of the Town of Mount Desert will vote to ratify the overdraft that*
8 *occurred in Debt Service for the year ended June 30, 2022, in the amount of \$2,381.09. The*
9 *overdraft was charged to the Undesignated Fund Balance. Said overdraft was caused by actual*
10 *interest on certain debt service payments exceeding budgeted expectations. Total appropriations*
11 *for the fiscal year ended June 30, 2022 for department 801 “Debt Service” were \$1,863,050 and*
12 *total expenditures recognized in said fiscal year amount to \$1,865,431.09”* as presented.

13 Motion approved 5-0.

14
15 **Article 54. To see what sum the Inhabitants of the Town of Mount Desert will vote to**
16 **raise and appropriate for Department 200 through 221 General Government – Governing**
17 **Body (Selectboard), Municipal Management, Town Clerk, Registrar, Elections, Planning**
18 **Board, Finance, Treasurer, Tax Collector, Assessment, Code Enforcement, Unallocated**
19 **Funds, Human Resources, Technology, and Contracted Municipal and Community**
20 **Oriented Services for the 2023 – 2024 Town Budget.**

21 MOTION: Mr. Mooers moved, with Ms. Dudman seconding, to recommend for passage Article
22 54 titled *“To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and*
23 *appropriate for Department 200 through 221 General Government – Governing Body*
24 *(Selectboard), Municipal Management, Town Clerk, Registrar, Elections, Planning Board,*
25 *Finance, Treasurer, Tax Collector, Assessment, Code Enforcement, Unallocated Funds, Human*
26 *Resources, Technology, and Contracted Municipal and Community Oriented Services for the*
27 *2023 – 2024 Town Budget”* as presented.

28 Motion approved 5-0.

29
30 **Article 55. To see what sum the Inhabitants of the Town of Mount Desert will vote to**
31 **raise and appropriate for Department 300 General Assistance Support for the 2023 – 2024**
32 **Town Budget.**

33 MOTION: Mr. Mooers moved, with Ms. Dudman seconding, to recommend for passage Article
34 55 titled *To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and*
35 *appropriate for Department 300 General Assistance Support for the 2023 – 2024 Town Budget*
36 *as presented.*

37 Motion approved 5-0.

38
39 **Article 56. To see what sum the Inhabitants of the Town of Mount Desert will vote to**
40 **raise and appropriate for Department 350 Rural Wastewater Support for the 2023 – 2024**
41 **Town Budget.**

42 MOTION: Ms. Dudman moved, with Mr. Mooers seconding, to recommend for passage Article
43 56 titled *“To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and*
44 *appropriate for Department 350 Rural Wastewater Support for the 2023 – 2024 Town Budget”*
45 *as presented.*

46 Motion approved 5-0.

47
48 **Article 57. To see what sum the Inhabitants of the Town of Mount Desert will vote to**
49 **raise and appropriate for Department 406 Street Lights for the 2023 – 2024 Town Budget.**

1 MOTION: Ms. Dudman moved, with Mr. Mooers seconding, to recommend for passage Article
2 57 titled *“To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and*
3 *appropriate for Department 406 Street Lights for the 2023 – 2024 Town Budget”* as presented.
4 Motion approved 5-0.
5

6 **Article 58. To see what sum the Inhabitants of the Town of Mount Desert will vote to**
7 **raise and appropriate for Department 401, 405, 407, and 408 Public Safety – Police,**
8 **Shellfish, Animal Control, and Communications (Dispatch) for the 2023 – 2024 Town**
9 **Budget.**

10 MOTION: Ms. Dudman moved, with Mr. Wood seconding, to recommend for passage Article
11 58 titled *“To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and*
12 *appropriate for Department 401, 405, 407, and 408 Public Safety – Police, Shellfish, Animal*
13 *Control, and Communications (Dispatch) for the 2023 – 2024 Town Budget”* as presented.
14 Motion approved 5-0.
15

16 Mr. Wood recalled discussing putting the previous year’s amounts in the warrant so people could
17 compare the year-to-year expenditures. Director Wright agreed it had been discussed. The
18 concern brought up at that time was with budget expense breakdowns already included, adding
19 the previous year’s budget information would make the formatting busy and possibly difficult to
20 read. However, it can be done. Ms. Dudman suggested including it in an appendix. Mr. Wood
21 didn’t believe people would cross-reference an appendix. He felt the extra information might
22 answer questions before they’re asked.
23

24 **Article 59. To see what sum the Inhabitants of the Town of Mount Desert will vote to**
25 **raise and appropriate for Department 403,404, and 409 Public Safety – Fire Department,**
26 **Hydrants, and Emergency Management for the 2023 – 2024 Town Budget.**

27 MOTION: Ms. Dudman moved, with Mr. Mooers seconding, to recommend for passage Article
28 59 titled *“To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and*
29 *appropriate for Department 403,404, and 409 Public Safety – Fire Department, Hydrants, and*
30 *Emergency Management for the 2023 – 2024 Town Budget”* as presented.
31 Motion approved 5-0.
32

33 **Article 60. To see what sum the Inhabitants of the Town of Mount Desert will vote to**
34 **raise and appropriate for Department 501, 515, 520 and 525 Public Works - Roads, Waste**
35 **Management, Buildings & Grounds, Parks & Cemeteries, and 530 Environmental**
36 **Sustainability for the 2023 – 2024 Town Budget.**

37 MOTION: Mr. Mooers moved, with Ms. Dudman seconding, to recommend for passage Article
38 60 titled *“To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and*
39 *appropriate for Department 501, 515, 520 and 525 Public Works - Roads, Waste Management,*
40 *Buildings & Grounds, Parks & Cemeteries, and 530 Environmental Sustainability for the 2023 –*
41 *2024 Town Budget”* as presented.
42 Motion approved 5-0.
43

44 **Article 61. To see what sum the Inhabitants of the Town of Mount Desert will vote to**
45 **raise and appropriate for Department 505 and 506 Sewers (Wastewater Treatment) for the**
46 **2023 – 2024 Town Budget.**

47 MOTION: Mr. Mooers moved, with Ms. Dudman seconding, to recommend for passage Article
48 61 titled *“To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and*

1 appropriate for Department 505 and 506 Sewers (Wastewater Treatment) for the 2023 – 2024
2 Town Budget” as presented.
3 Motion approved 5-0.
4

5 **Article 62. To see what sum the Inhabitants of the Town of Mount Desert will vote to**
6 **raise and appropriate for Department 605 Recreation (Public Pool ~Utilities &**
7 **Maintenance) for the 2023 – 2024 Town Budget.**

8 MOTION: Ms. Dudman moved, with Mr. Mooers seconding, to recommend for passage Article
9 62 titled “*To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and*
10 *appropriate for Department 605 Recreation (Public Pool ~Utilities & Maintenance) for the 2023*
11 *– 2024 Town Budget*” as presented.
12 Motion approved 5-0.
13

14 **Article 63. To see what sum the Inhabitants of the Town of Mount Desert will vote to**
15 **raise and appropriate for Department 701 Economic/Community Development for the**
16 **2023 – 2024 Town Budget.**

17 MOTION: Ms. Dudman moved, with Mr. Mooers seconding, to recommend for passage Article
18 63 titled “*To see what sum the Inhabitants of the Town of Mount Desert will vote to raise and*
19 *appropriate for Department 701 Economic/Community Development for the 2023 – 2024 Town*
20 *Budget*” as presented.
21 Motion approved 5-0.
22

23 **Article 65. To see what sum the Inhabitants of the Town of Mount Desert will vote to**
24 **raise and appropriate for Department 991 Capital Improvement Plan transfers for the**
25 **2023 – 2024 Town Budget.**

26 Director Wright reported that this Article will be brought back to the Board at a later date. There
27 may be some places where the budget can be further cut.
28

29 Article 65 was tabled.
30

31 **Article 67. To see if the Inhabitants of the Town of Mount Desert will vote to ratify the**
32 **Selectboard’s approval of the Marina Proprietary Fund budget.**

33 MOTION: Mr. Wood moved, with Ms. Dudman seconding, to recommend for ratification
34 Article 67 titled “*To see if the Inhabitants of the Town of Mount Desert will vote to ratify the*
35 *Selectboard’s approval of the Marina Proprietary Fund budget*” as presented.
36 Motion approved 5-0.
37

38 **V. Other Business**

39 **A. Such other business as may be legally conducted**

40 Clerk Woolfolk inquired of the Board how they wanted to handle late submittals of 3rd party
41 requests.
42

43 Chair Macauley reported that the Otter Creek Church was one of the late filers; he is a church
44 representative but did not see the application in time. The church’s request would be pulled for
45 this year.
46

47 The form requests a financial report. Chair Macauley suggested providing a form people can fill
48 in making the information received uniform and clear across the organizations. Director Wright
49 believed the original intent was to avoid being burdensome; whatever the organization was

1 already producing would likely be sufficient. There are cases when an I90 was not applicable to
2 an organization. Groups reached out asking for guidance in those cases. Chair Macauley
3 believed it could get complicated, particularly if different organizations are providing different
4 levels of information. He suggested a simple form requesting income, revenue, expenses. Mr.
5 Wood noted the wording "Organization Annual Financial Report" suggests a summary of the
6 organization's annual activity would be sufficient. The issue is moot for this year; the requests
7 are already in.

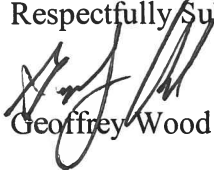
8
9 Regarding requests coming in after the deadline, the Board's consensus was that the guidelines
10 must be followed and late requests should not be honored. In the meantime, Chair Macauley
11 suggested a form standardizing the financial information being requested.

12
13 **VI. Adjournment**

14 MOTION: Mr. Mooers moved, with Ms. Dudman seconding, to adjourn.
15 Motion approved 5-0.

16
17 The Meeting adjourned at 5:30PM.

18
19
20 Respectfully Submitted,

21
22
23 
Geoffrey Wood